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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 WESTERN DIVISION

10 RODERICK DWAYNE GREENE,) No. CV 08-3249 AG (FFM)
11 Petitioner,) ORDER TO SHOW CAUSE
12 v.)
13 KATHLEEN PROSPER, WARDEN,)
14 Respondent.)
15 _____

16 The instant Order to Show Cause is directed toward petitioner. As
17 discussed further below, the Order requires that, by September 2, 2010, petitioner
18 show cause why the present matter should not be dismissed without prejudice for
19 want of prosecution.
20

21 **BACKGROUND**

22 At the time petitioner Roderick Dwayne Greene commenced these
23 proceedings, he was a state prisoner in the custody of the California Correctional
24 Center in Susanville, California.

25 On May 23, 2008, this Court issued an order (“Order Requiring Response
26 to Petition”) that admonished petitioner that “Petitioner shall immediately notify
27 the Court and counsel for Respondents of any change of Petitioner’s address. If
28 Petitioner fails to keep the Court informed of where Petitioner may be contacted,

1 this action will be subject to dismissal for failure to prosecute. *See also* Local
2 Rule 41-6.”

3 On November 16, 2009, this Court issued a Report and Recommendation
4 recommending the District Court to dismiss Grounds Two, Three, and Five
5 without prejudice for failure to exhaust.

6 An Order Adopting Findings, Conclusions and Recommendations of United
7 States Magistrate Judge was filed on June 15, 2010. Petitioner’s copy of this
8 order has since been returned to the Court as undeliverable with a notation
9 indicating that petitioner has been released.

10 On June 18, 2010, the Court issued a minute order requiring respondent to
11 file an answer to the remaining claims in petitioner’s petition. Petitioner’s copy of
12 this order has since been returned to the Court, again as undeliverable with a
13 notation that petitioner was released from prison on May 12, 2010.

14 The Court has received no notice of change of address from petitioner as of
15 the date of this order.

17 **DISCUSSION**

18 Pursuant to Local Rule 41-6:

19 A party proceeding *pro se* shall keep the Court and opposing
20 parties apprised of such party’s current address and telephone
21 number, if any. If mail directed by the Clerk to a *pro se* plaintiff’s
22 address of record is returned undelivered by the Postal Service, and
23 if, within fifteen (15) days of the service date, such plaintiff fails to
24 notify, in writing, the Court and opposing parties of said plaintiff’s
25 current address, the Court may dismiss the action with or without
26 prejudice for want of prosecution.

27 Local Rule 41-6; *see Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988).

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1 The Court has the inherent power to achieve the orderly and expeditious
2 disposition of cases by dismissing actions for failure to prosecute or to follow the
3 Court's orders. *Link v. Wabash Railroad*, 370 U.S. 626, 629-30, 82 S. Ct. 1386, 8
4 L. Ed. 2d 734 (1962). Accordingly, dismissal of this action without prejudice may
5 be appropriate on the ground of failure to prosecute and follow the orders of the
6 Court. *See* C.D. Cal., Local Rule 41-6 ("A party proceeding *pro se* shall keep the
7 Court and opposing parties apprised of such party's current address and telephone
8 number, if any.")

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10 **ORDER**

11 IT IS HEREBY ORDERED that, no later than September 2, 2010,
12 petitioner shall show cause, in writing, why this action should not now be
13 dismissed for the reason stated above. Petitioner shall also apprise the Court of
14 his current address. If petitioner does not timely file a response to this Order to
15 Show Cause and/or does not provide this Court with notice of his change of
16 address, petitioner is forewarned that the action may be dismissed without
17 prejudice for want of prosecution and failure to follow the Court's orders.

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19 DATED: August 9, 2010

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21 /S/ FREDERICK F. MUMM
22 FREDERICK F. MUMM
23 United States Magistrate Judge
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